

A SUBSTITUTE ORDINANCE BY

CITY COUNCILMEMBERS KWANZA HALL AND CEASAR MITCHELL

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF CHAPTER 110, ARTICLE III, DIVISION 1, SECTION 110-60(a) OF THE CITY OF ATLANTA CODE OF ORDINANCES RELATED TO THE CLOSING TIME OF CITY PARKS FOR THE LIMITED PURPOSE OF ALLOWING WOODRUFF PARK TO REMAIN OPEN AFTER 11:00 P.M. ON DECEMBER 31, 2006, UNTIL 1:00 A.M. ON JANUARY 1, 2007; TO SET FORTH ADDITIONAL REGULATIONS RELATED THERETO; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the parks within its borders;
and

WHEREAS, the City of Atlanta Code of Ordinances currently regulates the time that parks that are located within the City's limits may be open; and

WHEREAS, the City of Atlanta Code of Ordinances, Section 110-60 (a), requires that all parks within the City of Atlanta borders must close by 11:00 p.m. each night; and

WHEREAS, Underground Atlanta is holding its annual "Peach Drop" festivities on New Year's Eve, December 31, 2006; and

WHEREAS, Underground Atlanta has filed with the City of Atlanta the requisite Outdoor Events Permit Application along with other required permit applications to hold "Peach Drop 2007"; and

WHEREAS, Underground Atlanta desires to utilize Woodruff Park in downtown Atlanta in conjunction with Peach Drop 2007 as a venue for persons attending the Peach Drop festivities to gather and partake in the activities; and

WHEREAS, the Outdoor Events Permit Application filed by Underground Atlanta to hold Peach Drop 2007 provides detailed information about the use of Woodruff Park for Peach Drop 2007 activities; and

WHEREAS, the highlight of Peach Drop 2007 is the Peach Drop Countdown at midnight with all other activities ending at 4:00 a.m. on January 1, 2007; and

WHEREAS, as part of Peach Drop 2007, Underground Atlanta desires to install a big screen LED Wall in Woodruff Park so that patrons partaking in activities in Woodruff Park may remain in Woodruff Park to view the Peach Drop Countdown in the Park; and

WHEREAS, the City of Atlanta desires for Underground Atlanta to be able to utilize Woodruff Park for this event contingent upon Underground Atlanta's meeting all other requirements of the City's Outdoor Festival's Ordinance, and receiving the requisite Outdoor Festival permit; and

WHEREAS, the City of Atlanta is willing to extend the hours during which Woodruff Park may be open on December 31, 2006, through January 1, 2007, so that patrons may remain in the Park for the Peach Drop festivities until 1:00 a.m. on Monday, January 1, 2007. While the City of Atlanta recognizes the importance of closing parks at 11:00 p.m., it is willing to make an exception for Peach Drop 2007 as the Georgia Department of Transportation has closed the Peachtree Street Bridge for construction, thereby reducing the space available for the Peach Drop 2007 festivities. Attendance at Peach Drop 2007 is greatest at midnight, and utilization of Woodruff Park until 1:00 a.m. will assist with crowd management for the event; and

WHEREAS, Underground Atlanta will file any additional applications or other documentation as required by the City of Atlanta in order to facilitate the use of Woodruff Park for the purposes stated above; and

WHEREAS, the City of Atlanta Code of Ordinances, Section 10-209, provides that alcohol sales are allowed in parks located within the City of Atlanta on Sundays until midnight (12:00 a.m.) in conjunction with outdoor festival permits or special event permits; and

WHEREAS, the City of Atlanta Code of Ordinances, Section 10-209, also provides that when December 31 falls on a Sunday, alcohol sales are allowed to be sold by establishments licensed to sell alcoholic beverages for on premises consumption from 12:01 a.m. to 2:30 a.m. on Monday, January 1; and

WHEREAS, the City of Atlanta agrees that in accordance with the above-referenced provisions, alcoholic beverage sales may take place in Woodruff Park between the hour of 11:01 p.m. and 12:30 a.m. on Monday, January 1, 2007 as part of the Peach Drop 2007 Outdoor Festival, contingent upon Underground Atlanta's receiving all permits necessary to sell alcohol in that location. Alcohol sales must end no later than 12:30 a.m. so that festival attendees will have at least one half hour between the end of sales and the close of the park to finish their drinks; and

WHEREAS, the exemption provided herein will provide a satellite location for families and individuals to enjoy the Peach Drop activities and will further enhance the ability of Underground Atlanta to provide entertainment and to attract a larger number of visitors for the Peach Drop; and

WHEREAS, the exemption provided herein will result in a positive economic impact on Underground Atlanta and the downtown area of the City of Atlanta.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. That the provisions of Chapter 110, Article III, Section 110-60 (a) of the City of Atlanta Code of Ordinances which prohibit any person from being in any park or upon any park lane or park drive between the hours of 11:00 p.m. and 6:00 a.m. daily are hereby waived at Woodruff Park from December 31, 2006 beginning at 11:00 p.m. through 1:00 a.m. on January 1, 2007. The purpose of this waiver is to allow the Peach Drop 2007 Outdoor Festival to occur in part at that location. This waiver shall take effect only if the organizer of Peach Drop 2007, Underground Atlanta, receives a City-issued Outdoor Festival permit for Peach Drop 2007, and said permit allows the use of Woodruff Park during the hours set forth herein.

Section 2. That in accordance with the provisions of Chapter 10, Article I, Section 10-209(c) and (d), alcohol sales are hereby permitted in Woodruff Park as part of the Peach Drop 2007 Outdoor Festival between the hours of 11:01 p.m. to 12:30 a.m. on Monday, January 1, 2007, but only if the organizer of Peach Drop 2007, Underground Atlanta, receives the permit(s) required for such sales.

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